



**THE CITY OF NEW YORK
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BY ECF

Hon. Valerie Caproni, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Jean-Baptiste v. City of New York, et al., 15-cv-07622

Your Honor:

I am Senior Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, attorney for defendants in the above-referenced matter. I write with the consent of plaintiff's counsel, Malcom Anderson, Esq., to request a forty-five (45) day enlargement of time to complete discovery, from January 23 to March 9, and a corresponding adjournment of the status conference, presently scheduled for January 27 at 10 AM. This is Defendants' second request for an enlargement of the discovery schedule. The prior request was made by previous counsel days before she left our Office.

The reasons for this request are as follows. First, I have only been assigned to this matter for approximately 3 weeks. That limited time period spanned the end of year holidays, a pre-planned out-of-state vacation, and the due dates for significant filings in four other matters for which I am primarily responsible. I have worked diligently to familiarize myself with the case file and evidence of record and have been active in discovery since getting up to speed on the case. Additional time would eliminate any risk that information vital to the defense case is lost simply because of an unexpected transition of counsel in the final stages of fact discovery. Second, the parties recently exchanged follow-up discovery requests and spent approximately 30 minutes conferring by telephone. Through that discussion, the parties agreed that additional time would benefit both sides by allowing them an opportunity to obtain relevant information from their clients and certain third parties. For example, deposition testimony in this case has highlighted the significance of what occurred at Bronx Lebanon Hospital as it relates to the treatment of Plaintiff and her daughter following their encounter with the police. Plaintiff's counsel is working with his client to try and obtain those records so that they can be produced in

this action. Defendants also wish to depose non-party Juan Roldan and Plaintiff's counsel is attempting to obtain his contact information to facilitate that process. Finally, the undersigned is scheduled to be on trial beginning February 6, before the Honorable Ann M. Donnelly in the Eastern District of New York. This enlargement of time is requested in part because of the significant time demands necessary for trial practice.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Jeffrey Loperfido
Senior Counsel

cc: All Counsel (by ECF)